

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)
) Case No. 1:23-cr-64
v.)
) Judge Atchley
ERIC LEE BAGLEY)
) Magistrate Judge Lee
)

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count Three and Count Four of the four-count Indictment; (2) accept Defendant's guilty plea as to Count Three and Count Four; (3) adjudicate the Defendant guilty of Count Three and Count Four; (4) defer a decision on whether to accept the amended plea agreement [Doc. 28] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter [Doc. 32]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 32] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count Three and Count Four of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count Three and Count Four is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count Three and Count Four;
4. A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and

5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **May 9, 2024, at 10:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE